



**Republic of the Philippines
Supreme Court
Manila**

FIRST DIVISION

REPUBLIC OF THE PHILIPPINES
represented by **AKLAN NATIONAL COLLEGE OF FISHERIES (ANCF)**
and **DR. ELENITA R. ANDRADE**, in
her capacity as ANCF
Superintendent,
Petitioner,

G.R. No. 157485

Present:

SERENO, CJ.,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, JJ.

- versus -

HEIRS OF MAXIMA LACHICA SIN, namely: **SALVACION L. SIN**,
ROSARIO S. ENRIQUEZ,
FRANCISCO L. SIN, **MARIA S. YUCHINTAT**, **MANUEL L. SIN**,
JAIME CARDINAL SIN, **RAMON L. SIN**, and **CEFERINA S. VITA**,
Respondents.

Promulgated:

MAR 26 2014

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DECISION

LEONARDO-DE CASTRO, J.:

This is a Petition for Review assailing the Decision¹ of the Court of Appeals in CA-G.R. SP No. 65244 dated February 24, 2003, which upheld the Decisions of the Regional Trial Court (RTC) of Kalibo, Aklan in Civil Case No. 6130 and the First Municipal Circuit Trial Court (MCTC) of New Washington and Batan, Aklan in Civil Case No. 1181, segregating from the Aklan National College of Fisheries (ANCF) reservation the portion of land being claimed by respondents.

Petitioner in this case is the Republic of the Philippines, represented by ANCF and Dr. Elenita R. Andrade, in her capacity as Superintendent of ANCF. Respondents claim that they are the lawful heirs of the late Maxima Lachica Sin who was the owner of a parcel of land situated at Barangay Tambac, New Washington, Aklan, and more particularly described as follows:

¹ *Rollo*, pp. 38-47; penned by Associate Justice Rodrigo V. Cosico with Associate Justices Rebecca de Guia-Salvador and Regalado E. Maambong, concurring.

A parcel of cocal, nival and swampy land, located at Barangay Tambac, New Washington, Aklan, containing an approximate area of FIFTY[-]EIGHT THOUSAND SIX HUNDRED SIX (58,606) square meters, more or less, as per survey by Geodetic Engineer Reynaldo L. Lopez. Bounded on the North by Dumlog Creek; on the East by Adriano Melocoton; on the South by Mabilo Creek; and on the West by Amado Cayetano and declared for taxation purposes in the name of Maxima L. Sin (deceased) under Tax Declaration No. 10701 (1985) with an assessed value of Php1,320.00.²

On August 26, 1991, respondent heirs instituted in the RTC of Kalibo, Aklan a complaint against Lucio Arquisola, in his capacity as Superintendent of ANCF (hereinafter ANCF Superintendent), for recovery of possession, quieting of title, and declaration of ownership with damages. Respondent heirs claim that a 41,231-square meter-portion of the property they inherited had been usurped by ANCF, creating a cloud of doubt with respect to their ownership over the parcel of land they wish to remove from the ANCF reservation.

The ANCF Superintendent countered that the parcel of land being claimed by respondents was the subject of Proclamation No. 2074 of then President Ferdinand E. Marcos allocating 24.0551 hectares of land within the area, which included said portion of private respondents' alleged property, as civil reservation for educational purposes of ANCF. The ANCF Superintendent furthermore averred that the subject parcel of land is timberland and therefore not susceptible of private ownership.

Subsequently, the complaint was amended to include ANCF as a party defendant and Lucio Arquisola, who retired from the service during the pendency of the case, was substituted by Ricardo Andres, then the designated Officer-in-Charge of ANCF.

The RTC remanded the case to the MCTC of New Washington and Batan, Aklan, in view of the enactment of Republic Act No. 7659 which expanded the jurisdiction of first-level courts. The case was docketed as Civil Case No. 1181 (4390).

Before the MCTC, respondent heirs presented evidence that they inherited a bigger parcel of land from their mother, Maxima Sin, who died in the year 1945 in New Washington, Capiz (now Aklan). Maxima Sin acquired said bigger parcel of land by virtue of a Deed of Sale (Exhibit "B"), and then developed the same by planting coconut trees, banana plants, mango trees and nipa palms and usufructing the produce of said land until her death in 1945.

In the year 1988, a portion of said land respondents inherited from

² Id. at 56.

Maxima Sin was occupied by ANCF and converted into a fishpond for educational purpose. Respondent heirs of Maxima Sin asserted that they were previously in possession of the disputed land in the concept of an owner. The disputed area was a swampy land until it was converted into a fishpond by the ANCF. To prove possession, respondents presented several tax declarations, the earliest of which was in the year 1945.

On June 19, 2000, the MCTC rendered its Decision in favor of respondents, the dispositive portion of which reads:

WHEREFORE, judgment is rendered declaring plaintiffs [respondent heirs herein] the owner and possessor of the land in question in this case and for the defendants to cause the segregation of the same from the Civil Reservation of the Aklan National College of Fisheries, granted under Proclamation No. 2074 dated March 31, 1981.

It is further ordered, that defendants jointly and severally pay the plaintiffs actual damages for the unearned yearly income from nipa plants uprooted by the defendants [on] the land in question when the same has been converted by the defendants into a fishpond, in the amount of Php3,500.00 yearly beginning the year 1988 until plaintiffs are fully restored to the possession of the land in question.

It is finally ordered, that defendants jointly and severally pay the plaintiffs the sum of Php10,000.00 for attorney's fees and costs of this suit.³

According to the MCTC, the sketch made by the Court Commissioner in his report (Exh. "LL") shows that the disputed property is an alienable and disposable land of the public domain. Furthermore, the land covered by Civil Reservation under Proclamation No. 2074 was classified as timberland only on December 22, 1960 (Exh. "4-D"). The MCTC observed that the phrase "Block II Alien or Disp. LC 2415" was printed on the Map of the Civil Reservation for ANCF established under Proclamation No. 2074 (Exh. "6"), indicating that the disputed land is an alienable and disposable land of the public domain.

The MCTC likewise cited a decision of this Court in the 1976 case of *Republic v. Court of Appeals*⁴ where it was pronounced that:

Lands covered by reservation are not subject to entry, and no lawful settlement on them can be acquired. The claims of persons who have settled on, occupied, and improved a parcel of public land which is later included in a reservation are considered worthy of protection and are usually respected, but where the President, as authorized by law, issues a proclamation reserving certain lands, and warning all persons to depart therefrom, this terminates any rights previously acquired in such lands by a person who has settled thereon in order to obtain a preferential right of purchase. And patents for lands which have been previously granted, reserved from sale, or appropriated are void. (Underscoring from the

³ Id. at 71.

⁴ 165 Phil. 142, 155-156 (1976).

MCTC, citations omitted.)

Noting that there was no warning in Proclamation No. 2074 requiring all persons to depart from the reservation, the MCTC concluded that the reservation was subject to private rights if there are any.

The MCTC thus ruled that the claim of respondent heirs over the disputed land by virtue of their and their predecessors' open, continuous, exclusive and notorious possession amounts to an imperfect title, which should be respected and protected.

Petitioner, through the Solicitor General, appealed to the RTC of Kalibo, Aklan, where the case was docketed as Civil Case No. 6130.

On May 2, 2001, the RTC rendered its Decision affirming the MCTC judgment with modification:

WHEREFORE, premises considered, the assailed decision is modified absolving Appellant Ricardo Andres from the payment of damages and attorney's fees. All other details of the appealed decision are affirmed in toto.⁵

The RTC stressed that Proclamation No. 2074 recognizes vested rights acquired by private individuals prior to its issuance on March 31, 1981.

The RTC added that the findings of facts of the MCTC may not be disturbed on appeal unless the court below has overlooked some facts of substance that may alter the results of its findings. The RTC, however, absolved the Superintendent of the ANCF from liability as there was no showing on record that he acted with malice or in bad faith in the implementation of Proclamation No. 2074.⁶

Petitioner Republic, represented by the ANCF and Dr. Elenita R. Andrade, in her capacity as the new Superintendent of the ANCF, elevated the case to the Court of Appeals through a Petition for Review. The petition was docketed as CA-G.R. SP No. 65244.

On February 24, 2003, the Court of Appeals rendered its Decision dismissing the petition for lack of merit. In addition to the findings of the MCTC and the RTC, the Court of Appeals held:

Moreover, petitioner had not shown by competent evidence that the subject land was likewise declared a timberland before its formal classification as such in 1960. Considering that lands adjoining to that of the private respondents, which are also within the reservation area, have been issued original certificates of title, the same affirms the conclusion

⁵ *Rollo*, p. 55.

⁶ *Id.* at 54.

that the area of the subject land was agricultural, and therefore disposable, before its declaration as a timberland in 1960.

It should be noted that Maxima Lachica Sin acquired, through purchase and sale, the subject property from its previous owners spouses Sotera Melocoton and Victor Garcia on January 15, 1932, or 28 years before the said landholding was declared a timberland on December 22, 1960. Tacking, therefore, the possession of the previous owners and that of Maxima Lachica Sin over the disputed property, it does not tax ones imagination to conclude that the subject property had been privately possessed for more than 30 years before it was declared a timberland. This being the case, the said possession has ripened into an ownership against the State, albeit an imperfect one. Nonetheless, it is our considered opinion that this should come under the meaning of “private rights” under Proclamation No. 2074 which are deemed segregated from the mass of civil reservation granted to petitioner.⁷ (Citation omitted.)

Hence, this Petition for Review, anchored on the following grounds:

I

THE COURT OF APPEALS GRAVELY ERRED ON A QUESTION OF LAW IN UPHOLDING RESPONDENTS’ CLAIM TO SUPPOSED “PRIVATE RIGHTS” OVER SUBJECT LAND DESPITE THE DENR CERTIFICATION THAT IT IS CLASSIFIED AS TIMBERLAND.

II

THE COURT OF APPEALS GRAVELY ERRED ON A QUESTION OF LAW IN AFFIRMING THE DECISIONS OF THE REGIONAL TRIAL COURT AND THE MUNICIPAL CIRCUIT TRIAL COURTS RELEASING THE SUBJECT LAND BEING CLAIMED BY RESPONDENTS FROM THE MASS OF PUBLIC DOMAIN AND AWARDING DAMAGES TO THEM.⁸

The central dispute in the case at bar is the interpretation of the first paragraph of Proclamation No. 2074:

Upon recommendation of the Director of Forest Development, approved by the Minister of Natural Resources and by virtue of the powers vested in me by law, I, FERDINAND E. MARCOS, President of the Philippines, do hereby set aside as Civil Reservation for Aklan National College of Fisheries, subject to private rights, if any there be, parcels of land, containing an aggregate area of 24.0551 hectares, situated in the Municipality of New Washington, Province of Aklan, Philippines, designated Parcels I and II on the attached BFD Map CR-203, x x x [.]⁹

The MCTC, the RTC and the Court of Appeals unanimously held that respondents retain private rights to the disputed property, thus preventing the application of the above proclamation thereon. The *private right* referred to is an alleged *imperfect title*, which respondents supposedly acquired by

⁷ Id. at 46-47.

⁸ Id. at 18.

⁹ Id. at 74.

possession of the subject property, through their predecessors-in-interest, for 30 years before it was declared as a timberland on December 22, 1960.

At the outset, it must be noted that respondents have not filed an application for *judicial confirmation of imperfect title* under the Public Land Act or the Property Registration Decree. Nevertheless, the courts *a quo* apparently treated respondents' complaint for recovery of possession, quieting of title and declaration of ownership as such an application and proceeded to determine if respondents complied with the requirements therefor.

The requirements for judicial confirmation of imperfect title are found in Section 48(b) of the Public Land Act, as amended by Presidential Decree No. 1073, as follows:

Sec. 48. The following described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit:

x x x x

(b) Those who by themselves or through their predecessors in interest have been in the open, continuous, exclusive, and notorious possession and occupation of alienable and disposable lands of the public domain, under a *bona fide* claim of acquisition or ownership, since June 12, 1945, or earlier, immediately preceding the filing of the application for confirmation of title except when prevented by war or *force majeure*. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter.

An equivalent provision is found in Section 14(1) of the Property Registration Decree, which provides:

SECTION 14. *Who may apply.*— The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives:

(1) those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a *bona fide* claim of ownership since June 12, 1945, or earlier.

This Court has thus held that there are two requisites for judicial confirmation of imperfect or incomplete title under CA No. 141, namely: (1) open, continuous, exclusive, and notorious possession and occupation of the subject land by himself or through his predecessors-in-interest under a *bona*

fide claim of ownership since time immemorial or from June 12, 1945; and (2) the classification of the land as alienable and disposable land of the public domain.¹⁰

With respect to the second requisite, the courts *a quo* held that the disputed property was alienable and disposable before 1960, citing petitioner's failure to show competent evidence that the subject land was declared a timberland before its formal classification as such on said year.¹¹ Petitioner emphatically objects, alleging that under the Regalian Doctrine, all lands of the public domain belong to the State and that lands not appearing to be clearly within private ownership are presumed to belong to the State.

After a thorough review of the records, we agree with petitioner. As this Court held in the fairly recent case of *Valiao v. Republic*¹²:

Under the Regalian doctrine, which is embodied in our Constitution, all lands of the public domain belong to the State, which is the source of any asserted right to any ownership of land. All lands not appearing to be clearly within private ownership are presumed to belong to the State. Accordingly, public lands not shown to have been reclassified or released as alienable agricultural land or alienated to a private person by the State remain part of the inalienable public domain. Unless public land is shown to have been reclassified as alienable or disposable to a private person by the State, it remains part of the inalienable public domain. Property of the public domain is beyond the commerce of man and not susceptible of private appropriation and acquisitive prescription. Occupation thereof in the concept of owner no matter how long cannot ripen into ownership and be registered as a title. The burden of proof in overcoming the presumption of State ownership of the lands of the public domain is on the person applying for registration (or claiming ownership), who must prove that the land subject of the application is alienable or disposable. To overcome this presumption, incontrovertible evidence must be established that the land subject of the application (or claim) is alienable or disposable.

There must be a positive act declaring land of the public domain as alienable and disposable. To prove that the land subject of an application for registration is alienable, the applicant must establish the existence of a positive act of the government, such as a presidential proclamation or an executive order; an administrative action; investigation reports of Bureau of Lands investigators; and a legislative act or a statute. The applicant may also secure a certification from the government that the land claimed to have been possessed for the required number of years is alienable and disposable. (Citations omitted.)

This Court reached the same conclusion in *Secretary of the Department of Environment and Natural Resources v. Yap*,¹³ which presents

¹⁰ *Del Rosario-Igtiben v. Republic*, 484 Phil. 145, 154 (2004); *Secretary of the Department of Environment and Natural Resources v. Yap*, 589 Phil. 156, 197 (2008).

¹¹ *Rollo*, p. 46.

¹² G.R. No. 170757, November 28, 2011, 661 SCRA 299, 306-307.

¹³ *Supra* note 10.

a similar issue with respect to another area of the same province of Aklan. On November 10, 1978, President Marcos issued Proclamation No. 1801 declaring Boracay Island, among other islands, caves and peninsulas of the Philippines, as tourist zones and marine reserves under the administration of the Philippine Tourism Authority (PTA). On September 3, 1982, PTA Circular 3-82 was issued to implement Proclamation No. 1801. The respondents-claimants in said case filed a petition for declaratory relief with the RTC of Kalibo, Aklan, claiming that Proclamation No. 1801 and PTA Circular 3-82 precluded them from filing an application for judicial confirmation of imperfect title or survey of land for titling purposes. The respondents claim that through their predecessors-in-interest, they have been in open, continuous, exclusive and notorious possession and occupation of their lands in Boracay since June 12, 1945 or earlier since time immemorial.

On May 22, 2006, during the pendency of the petition for review of the above case with this Court, President Gloria Macapagal-Arroyo issued Proclamation No. 1064 classifying Boracay Island into four hundred (400) hectares of reserved forest land (protection purposes) and six hundred twenty-eight and 96/100 (628.96) hectares of agricultural land (alienable and disposable). Petitioner-claimants and other landowners in Boracay filed with this Court an original petition for prohibition, mandamus and nullification of Proclamation No. 1064, alleging that it infringed on their “prior vested right” over portions of Boracay which they allege to have possessed since time immemorial. This petition was consolidated with the petition for review concerning Proclamation No. 1801 and PTA Circular 3-82.

This Court, discussing the Regalian Doctrine vis-à-vis the right of the claimants to lands they claim to have possessed since time immemorial, held:

A positive act declaring land as alienable and disposable is required. In keeping with the presumption of State ownership, the Court has time and again emphasized that there must be a **positive act of the government**, such as an official proclamation, declassifying inalienable public land into disposable land for agricultural or other purposes. In fact, Section 8 of CA No. 141 limits alienable or disposable lands only to those lands which have been “officially delimited and classified.”

The burden of proof in overcoming the presumption of State ownership of the lands of the public domain is on the person applying for registration (or claiming ownership), who must prove that the land subject of the application is alienable or disposable. To overcome this presumption, incontrovertible evidence must be established that the land subject of the application (or claim) is alienable or disposable. There must still be a positive act declaring land of the public domain as alienable and disposable. To prove that the land subject of an application for registration is alienable, the applicant must establish the existence of a positive act of the government such as a presidential proclamation or an executive order; an administrative action; investigation reports of Bureau of Lands investigators; and a legislative act or a statute. The applicant

may also secure a certification from the government that the land claimed to have been possessed for the required number of years is alienable and disposable.

In the case at bar, no such proclamation, executive order, administrative action, report, statute, or certification was presented to the Court. The records are bereft of evidence showing that, prior to 2006, the portions of Boracay occupied by private claimants were subject of a government proclamation that the land is alienable and disposable. Absent such well-nigh incontrovertible evidence, the Court cannot accept the submission that lands occupied by private claimants were already open to disposition before 2006. Matters of land classification or reclassification cannot be assumed. They call for proof.¹⁴ (Emphases in the original; citations omitted.)

Accordingly, in the case at bar, the failure of petitioner Republic to show competent evidence that the subject land was declared a timberland before its formal classification as such in 1960 does not lead to the presumption that said land was alienable and disposable prior to said date. On the contrary, the presumption is that unclassified lands are inalienable public lands. Such was the conclusion of this Court in *Heirs of the Late Spouses Pedro S. Palanca and Soterranea Rafols v. Republic*,¹⁵ wherein we held:

While it is true that the land classification map does not categorically state that the islands are public forests, the fact that they were unclassified lands leads to the same result. In the absence of the classification as mineral or timber land, the land remains unclassified land until released and rendered open to disposition. x x x. (Emphasis supplied, citation deleted.)

The requirements for judicial confirmation of imperfect title in Section 48(b) of the Public Land Act, as amended, and the equivalent provision in Section 14(1) of the Property Registration Decree was furthermore painstakingly debated upon by the members of this Court in *Heirs of Mario Malabanan v. Republic*.¹⁶ In *Malabanan*, the members of this Court were in disagreement as to whether lands declared alienable or disposable after June 12, 1945 may be subject to judicial confirmation of imperfect title. There was, however, no disagreement that there must be a declaration to that effect.

In the case at bar, it is therefore the respondents which have the burden to identify a **positive act of the government**, such as an official proclamation, declassifying inalienable public land into disposable land for agricultural or other purposes. Since respondents failed to do so, the alleged possession by them and by their predecessors-in-interest is inconsequential and could never ripen into ownership. Accordingly, respondents cannot be considered to have *private rights* within the purview of Proclamation No.

¹⁴ Id. at 182-183.

¹⁵ 531 Phil. 602, 616 (2006).

¹⁶ G.R. No. 179987, April 29, 2009, 587 SCRA 172.

2074 as to prevent the application of said proclamation to the subject property. We are thus constrained to reverse the rulings of the courts *a quo* and grant the prayer of petitioner Republic to dismiss Civil Case No. 1181 (4390) for lack of merit.

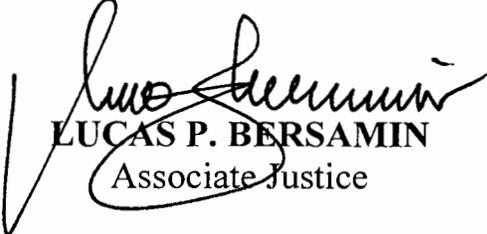
WHEREFORE, premises considered, the Petition for Review is **GRANTED**. The Decision of the Court of Appeals in CA-G.R. SP No. 65244 dated February 24, 2003, which upheld the Decisions of the Regional Trial Court of Kalibo, Aklan in Civil Case No. 6130 and the First Municipal Circuit Trial Court of New Washington and Batan, Aklan in Civil Case No. 1181 (4390), segregating from the Aklan National College of Fisheries reservation the portion of land being claimed by respondents is **REVERSED** and **SET ASIDE**. Civil Case No. 1181 (4390) of the First Municipal Circuit Trial Court of New Washington and Batan, Aklan is hereby **DISMISSED**.

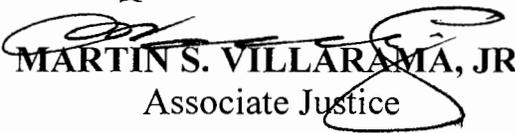
SO ORDERED.


TERESITA J. LEONARDO-DE CASTRO
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson


LUCAS P. BERSAMIN
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


BIENVENIDO L. REYES
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice